ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators TOOMEY, WYDEN, and BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. TOOMEY. Thank you, Mr. President.

(The remarks of Mr. TOOMEY pertaining to the introduction of S. 3100 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. TOOMEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

INTELLIGENCE AUTHORIZATION BILL

Mr. WYDEN. Mr. President, I want to take a few minutes tonight to discuss the Intelligence authorization bill for fiscal year 2017. The Senate has been asked to provide unanimous consent to move forward on this legislation, and I have objected to doing that and want to take just a few minutes to outline why I feel very strongly about this.

The reality is, this legislation contains a number of valuable provisions, but once again it is being driven by the same issues the Senate looked at last week, and that was the McCain amendment, which involved a major change with respect to national security letters. My colleague is a valuable member of the Intelligence Committee and knows what I am talking about.

But to set the backdrop is again, I want it understood how important it is to make clear that it is a very dangerous time. Those of us who sit on the Intelligence Committee are acutely aware of that. A couple of times a week we go into that special room and come away with a very clear recognition that there are people out there who do not wish our country well. So that is not in question. This is a dangerous time. Given these dangers, it is especially important—critically important—that law enforcement and intelligence authorities have the tools they need to protect the American people.

Tonight, I wish to start with where we really left off with the amendment from the Senator from Arizona, the McCain amendment involving national security letters, because that amendment deals with the very same concern that has led me to object to the Intelligence authorization bill tonight.

I don't take a back seat to anybody—not anybody—in terms of making sure our intelligence and law enforcement officials have the tools they need to protect our country at a dangerous time. That is why in 2013, I began working for it then, and we got it into the USA FREEDOM Act. I wrote the provision that became section 102 of the USA FREEDOM Act. It said that when our government—the FBI or our intelligence and law enforcement community—believed it has to move quickly and it has to move immediately, our government could do that. It could go get the information that has been in question—the email materials, the text message logs, the chat records, and all of these digital communications. Under section 102, the government could move immediately to get this information and then come back after the fact and settle up with the court. Never once has the court denied the government.

I recall that during the debate over the McCain amendment, the distinguished chairman of the Intelligence Committee said that he was concerned that the FBI might have to wait around for a month—no way, absolutely no way, out of the question. Under section 102, there is not going to be any dawdling. There is not going to be waiting around. The government can move and move immediately to protect the American people.

Given that the government has those tools for the FBI and intelligence officials—making sure that we have the tools needed to protect the security and well-being of the American people—that is a reason for being very careful about thinking through big changes in these national security letters and what the changes would be, specifically. This was in the McCain amendment. It is in the Intelligence authorization bill. An FBI field office could issue a national security letter, in effect, administratively. It is an administrative subpoena without any court oversight. For example, the national security letters could be used to collect what are called electronic communication transaction records. This would be email, chat records, and text message logs.

I have had Senators come up to me to ask me about whether this could be true. When I was responding to questions at home about that this weekend, folks or people asked: Does this really mean that the government can get the Internet browsing history of an individual without a warrant, even when the government has the emergency authority if it is really necessary?

The answer to that question is: Yes, the government can. The government can get access to Web browsing history under the Intelligence authorization legislation, under the McCain amendment, and they can do it without getting a warrant—even when the government can go get it without a warrant when there is an emergency circumstance.

The reality is Web browsing history can reveal an awful lot of information about Americans. I know of little information that could be more intimate than that Web browsing history. If you know that a person is visiting the Web site of a mental health professional or a substance abuse support group or a particular political organization or a particular dating site, you know a tremendous amount of private, personal, and intimate information about that individual. That is what you get when you can get access to their Web browsing history without a warrant, even, as I have said, when the government's interest is protected in an emergency.

The reality is that getting access to somebody's Web browsing history is almost like spying on their thoughts. This level of surveillance absolutely ought to come with court oversight. As I have spelled out tonight, that is possible in two separate ways. There is the traditional approach with getting a warrant. Then under section 102, which I wrote as part of the USA FREEDOM Act, the government can get information when there is an emergency and come back later after the fact and settle.

The reality is the President's surveillance review group has said that they believe court oversight should be required for this kind of information.

In effect, now we have some law enforcement and intelligence officials saying that we ought to go in exactly the opposite direction. By the way, George W. Bush agreed that we ought to be careful about gathering this information. He didn't want this particular power.

Maybe somebody could argue that, well, intelligence and law enforcement officials ought to be able to do this because it is more convenient for them. To tell you the truth, if we were talking about convenience or protecting the American people in an emergency, I would be pretty sympathetic to the government's argument. But that is not the choice. As to the government's interest, given the safety of the American people being on the line, the government goes to get that information immediately—the Web browsing history, the chat records, and the email. The government gets it immediately under the specific language of section 102.

What this really comes down to is that we have had this horrible tragedy in Orlando. So we are all very concerned about the safety and the well-being of the American people. When we are home, there is no question—as I am sure it is in the case of the Presiding Officer of the Senate, my colleague from Ohio, and myself—that the American people want policies that protect their security and their liberty. They want policies that do both. Frankly, they don't think they are mutually exclusive. They think the government ought to be doing both.

After a tragedy—and you can almost set your clock by it—increasingly, proposals are being brought up that really don't do much of either. They don't do much to advance security. In this case, you protect people's security with that emergency authority when the well-being of our people is on the line and the public wants their liberties protected. They are certainly going to be very concerned about someone being able to see their Web browsing history with an administrative subpoena and no court oversight.

I am going to touch on one other section of the Intelligence authorization bill that concerns me, but I will say that I supported that emergency authority very strongly. I was the first to propose it in 2013. I did so because I said I wanted to make sure—since I am one of the longer serving members of the Intelligence Committee, and I am very pleased to have the Presiding Officer of the Senate on it—and I wanted to be able to say that my focus has been to show that security and liberty are not mutually exclusive. We can do both. I think, with what we have outlined this afternoon, we can, in fact, do both. That is why section 102 of the USA Freedom Act is so important. It spells out how and when the well-being and safety of the American people is on the line. There isn't anybody going to be dawdling around. What the distinguished chairman of the Intelligence Committee said about people waiting for a month to get a national security letter is not going to happen—not if you use section 102. We are making it clear how important security is. But we are also saying that we are not going to needlessly erode these sacred and vital constitutional protections of the American people, which is what you would be doing if a field office of the FBI, administratively and without court oversight, could go out and scoop up scores of browsing records.

That is why I have objected to giving unanimous consent to the intelligence authorization bill. We always do it publicly. That is why I am on the floor tonight.

I will tell my colleagues that this bill, on the key issue of national security letters, is essentially a redo of the vote that took place last week on the McCain legislation.

I close by saying that while the Intelligence authorization bill does contain other provisions that I think are quite constructive, I am troubled that the bill also would erode the jurisdiction of the independent privacy board for the second year in a row. Here, in particular, is where we all want to concentrate on U.S. persons. That is what is so important—focusing on U.S. persons. At a time when telecommunications systems around the world are beginning to merge—and this will increasingly be the case in the digital domain—the individual's U.S. or non-U.S. status is not always readily apparent. So I am concerned about some of the restrictions that are in the authorization, as well that I think they really ignore the way in which telecommunications systems have changed around the world and the difficulty in recognizing quickly an individual's U.S. or non-U.S. status.

With that, I note our friend and colleague is on the floor to give his remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the always good insight from the senior Senator from Oregon, my colleague on the Finance Committee. I say thank you to Senator WYDEN.

WHOLE WOMAN'S HEALTH V. HELLERSTEDT SUPREME COURT DECISION

Mr. BROWN. Mr. President, today, the Supreme Court, despite lacking an important ninth Justice—my Republican colleagues refuse to do their jobs. That is the first time that anybody can remember, maybe in history—certainly in recent history—where a Supreme Court nominee has been sent to the Senate by a President, and the Senate has refused to do either hearings or certainly refuse to bring that Justice up for a vote. If this continues, if Senator MCCONNELL and his Republican colleagues continue their course, this will be the first time in 150 years where a Supreme Court vacancy has stayed open for an entire year. Why 150 years? Because we were in the middle of the Civil War, and there were all kinds of things going on as southerners, who had seceded, left the Supreme Court with lots of vacancies, and the Senate didn't do its job then. But that was the Civil War; this is a political war waged by one side in a refusal to do its job.

Today the Supreme Court, despite not having nine members, reaffirmed that women, not politicians, should be the ones making their own health care decisions. In a 5-to-3 decision, the Supreme Court ruled on Whole Woman's Health v. Hellerstedt that the Texas law at issue places an undue burden on a woman's ability to access safe and legal health care.

The law's arbitrary, medically unnecessary—medically unnecessary—restrictions caused dozen of clinics to close across the State of Texas. The same thing has happened in other States with similar laws, including my State of Ohio with 11 million people. These clinics are often the only places that women, and also many men, have to turn to for basic health services. Today's decision is a victory for health care in Texas and, ultimately, for State after State across the country.

Millions of women rely on Planned Parenthood and other clinics like it for lifesaving screenings, testing, preventive care, and treatment. In Ohio, Planned Parenthood centers provide health care services to almost 100,000 men and women each year. A hundred thousand men and women depend on Planned Parenthood for things like screenings, testing, preventive care, and treatment. Many of these men and women have nowhere else to turn. They either can't afford care anywhere else or they live too far away from another health center to have real access to basic health care—screenings, testing, preventive care, counseling, treatment, and all those things.

Today's decision sets an important precedent that no politician should come between a woman and the health care she needs. We know that laws like this are part of a sustained, coordinated attack on a women's right to make personal, private health care decisions for themselves. We have seen it in Ohio, and we have seen it in so many other States across the country.

Politicians claim these harmful restrictions are all about protecting women's health. Nothing could be further from the truth. These talking points are a sham, and today's majority decision by a generally conservative Supreme Court shows the Court saw right through those arguments.

Ohio and other States with so-called TRAP laws should repeal them immediately. If they wait, they will only be struck down by the Court, just like the Texas law—again, a Court where most of those Justices, or at least half of those Justices were appointed by conservative Presidents. We need to work to get these laws off the books quickly and to fight the attacks women continue to face on their right to make their own health care decisions.

Earlier this year, Ohio passed a new law to strip Federal funding not only from Planned Parenthood but any health care facility that could be perceived as ''promoting'' safe and legal abortions. This includes health clinics that simply work with other providers to refer women to other facilities so women can make decisions that should be between them and their doctors.

This is far, far more sweeping than just defunding Planned Parenthood, which is a political talking point for Republicans across this country now. Health officials in Ohio are scared that the new law could take funding away from local health departments—as if we don't have enough problems in our State.

Let's be clear. This isn't about defunding abortion. The Federal government does not provide funding for abortion, period. It hasn't provided funding for abortion for decades. This Ohio law explicitly targets critical health and health education services for women, including HIV testing and cancer prevention services.

Today's 5-to-3 decision by the Supreme Court is a victory for all of us who want to improve the lives and health of women around the country, but it will do nothing to stop laws like this in Ohio. That is why our work goes on.

These laws that have passed in Texas and Ohio that the Court struck down are not about health or safety. The Supreme Court confirmed that today. They are about politicians thinking they know better than women and their doctors, and it is happening every day in this country. If these laws continue to chip away—or in the case of Ohio's new law, carve away—women's access to care, we will see more undiagnosed cancers, more untreated illnesses, and more unintended pregnancies.

My State, shamefully, is 50th in the Nation in Black infant mortality. We are 47th in the Nation overall in infant